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10/597,886

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EXAMINER

SPOONER, LAMONT M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,886	Applicant(s) PAYN, ROGER	
	Examiner LAMONT SPOONER	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. This office action is in response to applicant's claims filed 9/07/2010. Claims 1-6, and 10-15 are currently pending and have been examined. Applicant's IDS have been considered. There is no claim to foreign priority.

Response to Amendment

2. In response to the office action from 6/4/2010, the applicant has submitted an amendment, filed 9/7/2010, amending independent claims 1 and 6 and adding claims 13-15, while arguing to traverse the art rejection based on the limitation regarding a first and second side of a display opposed from one another (*Amendment, Page 6*). Applicant's arguments have been fully considered, however the previous rejection is maintained due to the reasons listed below in the response to arguments.

Response to Arguments

3. Applicant's arguments have been fully considered but they are not persuasive for the following reasons:

With respect to **Claim 1**, the applicant argues that the combined teachings of Fraser (*U.S. PG Publication: 2004/0172236 A1*) and Sukeda et al (*U.S. Patent: 5,854,997*) "Amended claim 1 now requires "a two-sided

visual display facility having a first side and a second side parallel to the first side, which when in use, face opposing directions". Fraser does not teach, suggest, or provide any reason to include a two-sided visual display facility as required in claim 1. Sukeda et al. teaches a display device having "displays 102, 103... inverted relative to the other display" and "the two opposing displays arranged side by side for the sake of convenience". (See column 4, lines 1-3 and column 4, lines 60-62, see also Figure 1.) **Sukeda envisages that the screens, when in operation, lie adjacent one another facing the same direction.** This is evidenced from the arrangement shown in Figure 1, and taken further in Figure 10 of Sukeda in which a single screen is divided into two areas. Further support is **provided in the description which stating the displays are arranged side by side for convenience** (col. 6 lines 53 - 62). The device of figure 1 is arranged such that when the screens are folded open, as illustrated in figure 1, the edges of the screen housings abut one another about the hinged edge. Because, inevitably, the housings have a finite depth, **the abutment prevents the screens from being further opened towards an orientation in which the screens would be back-to-back.** Therefore, Sukeda et al. teaches two display areas arranged side by side and not "a

two-sided visual display facility having a first side and a second side, which when in use, face opposing directions" as required by claim 1. Therefore, Sukeda et al. does not teach, suggest, or provide all of the limitations of claim 1, and additionally teaches away from the limitations of claim 1. Therefore since the combination of Fraser and Sukeda et al. does not teach, suggest, or provide all of the limitations of claim 1, claim 1 is nonobvious.

However, the Examiner does not concur with applicant's assessment of Sukeda. The Examiner notes the opinion of the applicant as pertaining to Sukeda's envision and what the abutment prevents. Furthermore, the side by side display as taught in C.4 lines 60-62 and Figs. 4a-4c, 5a-5c to 6a-6b, are illustrated only for the sake of convenience in a side by side manner. It is explicitly clear in the same paragraph that the visual display is in opposing directions. As a matter of **fact**, Sukeda explicitly uses the term "oppose" in relation to the display in the same paragraph (C.4 lines 53-67- his "oppose" as related to the display). It appears that the applicant gives no weight to the terms, inverted and oppose as related to the display facility of Sukeda, and is attempting to interpret Sukeda as a side by side display facility in order to make moot Sukeda as prior art. However this

interpretation is incorrect, as Sukeda explicitly teaches a two-sided visual display facility in the manner claimed by the applicant, and thus applicant's arguments remain unpersuasive. Sukeda in each and every manner teach applicants argued limitation, in the visual display facility of Fig. 1, which has the display with a first side and a second side parallel to the first side, which in use face opposing directions, and furthermore teaches a single display screen facility with the same function in Fig. 11.

Claims 2, 5, and 6 arguments are include and/or are similar to the above unpersuasive arguments and are thus also deemed unpersuasive.

Applicant further argues, the rejection of claims 3 and 11 under 35 U.S.C. § 103(a) over Fraser in view of Sukeda et al. and further in view of Jacobs. Applicant argues, Jacobs teaches the use of two cards to display translation information, not a dual sided card." However, it is explicit in the previously cited section, (*Fig. 8; and Col. 3, Line 42- Col. 4, Line 4*), that Jacobs teaches a dual sided card, "Card 32 represents the topmost card in column 25 with **the front side of the card being** shown in FIG. 2, and **the rear side of the card** being shown in FIG. 8. Card 32' would be that card which is disposed immediately below card 32 with the **front side of the card containing the English language nouns** as depicted in FIG. 8. It will

be noted that that the **secondary language nouns on the rear side of card 32 represent the translation and phonetic pronunciation guide for the secondary language, in this case Spanish**. Therefore, applicant's arguments regarding claims 3 and 11 are unpersuasive.

Regarding the rejections of claims 4, 10 and 12, the Examiner notes the arguments are similar to the above arguments and thus are unpersuasive for the same reasons.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. More specifically, the Examiner is unable to locate anywhere in applicant's original disclosure, " wherein the first side of the visual display facility displays a second selected message from the

database in the first language L1 and phonetically in the second language L2, the second selected message displayed inverted relative to the first message on the first side; and wherein the second side of the visual display facility displays the second selected message in the second language L2, the second selected message displayed inverted relative to the first message on the second side.”

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-2, 5-6 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser (*U.S. PG Publication: 2004/0172236 A1*) in view of Sukeda et al (*U.S. Patent: 5,854,997*).

With respect to **Claim 1**, Fraser discloses:

A communication aid for communicating from a first language L1 to a second language L2 (*multi-language communication system for facilitating communication between a person of a first language and a person of a second language, Abstract and Paragraph 0019*), comprising a database of

possible messages to be communicated (*message database, Paragraph 0068*), each message being recorded in a first language L1, a second language L2 and a phonetic equivalent of the second language (*database has a first language, second languages, and phonetic equivalents, Paragraph 0068 and Fig. 6g*); and

A visual display facility displaying a selected message from the database and in the first language L1 and phonetically in a second language L2 on a first side (*display shows text of a first language user and a phonetic equivalent of text in a language of a second user, Paragraphs 0058-0059 and 0068*).

Although Fraser teaches a language communication aid featuring multiple languages and phonetic equivalents for presentation on a display, Fraser does not specifically suggest use of a two-sided display facility having a first side and a second side parallel to the first side, which when in use, face opposing directions for communication, wherein a second language is displayed on a second side of the two-sided display. Sukeda, however, recites a language communication device features a two-sided display facility having a first side and a second side parallel to the first side, which when in use, face opposing directions (Figures 1 and 11-show

parallel two sided display facility, C.4 lines 1-3, 60-62, column 7 lies 27-52-
his display screen), wherein a first side shows a first language and a
second side shows a second language text equivalent (*Col. 2, Lines 25-46;*
Col. 4, Lines 1-16; and Col. 5, Lines 23-33).

Fraser and Sukeda are analogous art because they are from a similar
field of endeavor in language communication devices. Thus, it would have
been obvious to a person of ordinary skill in the art, at the time of invention,
to modify the teachings of Fraser with the two-sided display taught by
Sukeda in order to enable uninterrupted thinking of individuals so that
smooth conversation between them can be achieved (*Sukeda, Col. 2,*
Lines 41-46).

With respect to **Claim 2**, Fraser further discloses:

An electronic memory having three different parts for storing phrases
or words respectively in the first language L1, phonetically in the second
language [“L”] L2 and in the second language L2, and means defining an
association between an address in each of the three parts (*electronic*
system database having first language, second languages, and phonetic
equivalents that associates various languages which are also linked with
their phonetic equivalents, Paragraph 0068).

With respect to **Claim 5**, Sukeda further discloses:

The visual display facility is hand-held and carries two messages simultaneously, with one message being inverted relative to the other and the messages being displayed at opposite ends of the display (*hand held device that carries two messages simultaneously, which are inverted and displayed at opposite ends of the display, Fig. 1*).

With respect to **Claim 6**, Fraser discloses:

A communication aid characterized by: a display device for displaying information to two people (*multi-language communication system for facilitating communication between a person of a first language and a person of a second language, Abstract and Paragraph 0019; having a display, Paragraphs 0047 and 0063 and Fig. 1, Element 104*);

A database of information partitioned into three parts (a), (c) and (b) parts (a) and (b) containing information appropriate to the respective aforesaid people (*database having data sections related to a first and second language for speakers thereof and associated phonetic equivalents, Paragraph 0068*); means linking each element of information in part (a) with an element of information in part (b) and an element in part (c) (*database associations/indexing between languages and phonetic*

equivalents, Paragraph 0068); and means for displaying a selected element of information from part (a) with the associated element from part (c) the display device *(text in a first language and a phonetic equivalent of a second language translation is displayed to a first speaker, Paragraph 0063)*. Frasier also teaches that the device's database includes phrases in the first language, second language, and phonetic equivalents thereof *(Paragraphs 0063-0064 and 0068)*.

Although Fraser teaches a language communication aid featuring multiple languages and phonetic equivalents for presentation on a display, Fraser does not specifically suggest use of a two-sided display, the sides opposing one another and facing opposite directions for communication, wherein a second language is displayed on a second and opposite side of the two-sided display. Sukeda, however, recites a language communication device feature two opposite display sides, the sides opposing one another and facing opposite directions *(Fig. 1; and Col. 3, Line 51- Col. 4, Line 16, see claim 1 opposing discussion)*, wherein a first side shows a first language and a second side shows a second language text equivalent *(Col. 2, Lines 25-46; Col. 4, Lines 1-16; and Col. 5, Lines 23-33)*.

Fraser and Sukeda are analogous art because they are from a similar field of endeavor in language communication devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Fraser with the two-sided display taught by Sukeda in order to enable uninterrupted thinking of individuals so that smooth conversation between them can be achieved (*Sukeda, Col. 2, Lines 41-46*).

With respect to **claim 14**, Fraser teaches:

An electronic device for communicating between a first language L1 and a second language L2 (*multi-language communication system for facilitating communication between a person of a first language and a person of a second language, Abstract and Paragraph 0019*) comprising:

a database containing a series of messages to be communicated (*message database, Paragraph 0068*), each message in the series recorded in a first language L1, a second language L2, and a phonetic equivalent of the second language (*database has a first language, second languages, and phonetic equivalents, Paragraph 0068 and Fig. 6g*);

a [two sided] display device with a [first touch screen on one side of the display device and a second screen on the reverse side of the display

device, the first screen parallel to and spaced apart from the second screen, the first and second screen facing opposed directions], the first screen for displaying a selected message from the series of messages in the database in the first language L1 and as the phonetic equivalent in the second language L2 (*display shows text of a first language user and a phonetic equivalent of text in a language of a second user, Paragraphs 0058-0059 and 0068*), [and the second screen for displaying the selected message from the series of messages in the database in the second language L2];

wherein the first [touch screen] provides a user input to select the selected message from the database for display [on the two-sided display device] (paragraphs [0068, 0069]-his user selected message).

Fraser lacks teaching a two sided display device with a first touch screen on one side of the display device and a second screen on the reverse side of the display device, the first screen parallel to and spaced apart from the second screen, the first and second screen facing opposed directions, the first screen for displaying a selected message from the series of messages in the database in the first language L1 and as the phonetic equivalent in the second language L2, and the second screen for

displaying the selected message from the series of messages in the database in the second language L2;

wherein the first touch screen provides a user input to select the selected message from the database for display on the two-sided display device.

However, Sukeda teaches a two sided display device with a first touch screen on one side of the display device and a second screen on the reverse side of the display device, the first screen parallel to and spaced apart from the second screen, the first and second screen facing opposed directions (see claim 1, parallel and opposing discussion, and corresponding figures, column 3 lines 51-59-his touch sensing panel, as his touch screen and corresponding input), the first screen for displaying a selected message from the series of messages in the database in the first language L1 and as the phonetic equivalent in the second language L2, and the second screen for displaying the selected message from the series of messages in the database in the second language L2 (see claim 1, first side and second side message discussion, and corresponding figures);

wherein the first touch screen provides a user input to select the selected message from the database for display on the two-sided display

device (see above touch screen discussion, and claim 1 displaying message discussion).

Fraser and Sukeda are analogous art because they are from a similar field of endeavor in language communication devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Fraser with the two-sided display taught by Sukeda in order to enable uninterrupted thinking of individuals so that smooth conversation between them can be achieved (*Sukeda, Col. 2, Lines 41-46*).

8. **Claims 3 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser in view of Sukeda et al and further in view of Jacobs (*U.S. Patent: 4,311,465*).

With respect to **Claim 3**, Fraser in view of Sukeda discloses the language communication aid configuration where a first language text and second language phonetic equivalent is displayed opposite a second language text, as applied to claim 1. Fraser in view of Sukeda does not specifically suggest system implementation using cards, however, Jacobs shows dual-sided cards for translation (*Fig. 8; and Col. 3, Line 42- Col. 4, Line 4*).

Fraser, Sukeda, and Jacobs are analogous art because they are from a similar field of endeavor in language communication devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Fraser in view of Sukeda with the card implementation taught by Jacobs in order to provide a more physically simple translation device (*Jacobs, Col. 1, Lines 59-65*).

Claim 11 contains subject matter similar to claim 5, and thus, is rejected under similar rationale.

9. **Claims 4, 10, and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser in view of Sukeda et al in view of Jacobs and further in view of Mestre (*U.S. Patent: 6,999,915*).

With respect to **Claim 4**, Fraser in view of Sukeda and further in view of Jacobs discloses the card-based language communication aid configuration where a first language text and second language phonetic equivalent is displayed opposite a second language text, as applied to claim 1. Jacobs does not specifically suggest that a card sheet carries a greeting in a foreign language, however, Mestre discloses that a translation sheet carries a greeting heading in a foreign language (*Fig. 1, Element 110A; and Col. 6, Lines 14-20*).

Fraser, Sukeda, Jacobs, and Mestre are analogous art because they are from a similar field of endeavor in language communication devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Fraser in view of Sukeda and further in view of Jacobs with the greeting taught by Mestre in order to provide an arrangement that introduces following language communications (*Mestre, Col. 6, Lines 14-20*).

Claim 10 recites subject matter similar to claim 4, and thus, is rejected under similar rationale.

Claim 12 contains subject matter similar to claim 5, and thus, is rejected under similar rationale.

10. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser in view of Sukeda et al in view of Jacobs and further in view of Boys (US 7,155,382).

With respect to **Claim 15**, Fraser with Sukeda make obvious the electronic device of claim 14. Fraser further teaches providing an audible spoken representation of the selected message in the second language L2 (Fig. 2 and Fig. 3). Fraser with Sukeda lack explicitly teaching an earpiece

to provide an audible spoken representation of the selected message in the second language L2.

However, Boys teaches an earpiece to provide and audible spoken representation of a selected message (abstract, Fig. 1 item 105, C.5 lines 55-67).

Thus, it would have been obvious to one of ordinary skill in the linguistics art, at the time of the invention, to combine the prior art element of audio output as taught by Fraser with an earpiece as taught by Boys, as the combination would yield predictable results, *KSR International Co. v. Teleflex Inc.*, 550 US. --, 82 USPQ2nd 1385 (2007), wherein the predictable result would be producing audio output into an earpiece for personal audio representation of the message.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAMONT SPOONER whose telephone number is (571)272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571/272-7843.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626

lms
5/31/11